

REMARKS

The Official Action rejects Claims 1, 4, 6, 11, 19-21 and 25 under 35 U.S.C. §103(a) as being unpatentable over newly cited U.S. Patent No. 6,729,763 to Jeffrey M. Post in view of a published European application bearing Publication No. EP000223268. The Official Action also rejects Claims 7, 8, 20, 23 and 27 under 35 U.S.C. §103(a) as being unpatentable over the Post '763 patent in view of the '268 European application and further in view of U.S. Patent No. 3,974,988 to Samuel Whitworth. The Official Action rejects the remainder of the claims, that is, Claims 2, 5, 9 and 12, under 35 U.S.C. §103(a) as being unpatentable over the Post '763 patent "as modified above" in view of U.S. Patent No. 6,280,095 to Akimi Furukoshi et al. As such, each rejection relies upon the Post '763 patent as the primary reference. However, the Post '763 patent is not prior art to the present application and, as a result, cannot be relied upon to reject the claims.

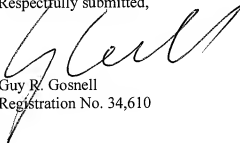
The application that matured into the Post '763 patent was filed July 31, 2002 and claims priority to a provisional application filed November 16, 2001. In contrast, the present application was filed August 24, 2001. As such, the filing date of the present application predates any filing date associated with the Post '763 patent and, in turn, similarly predates any publication or issuance of the Post '763 patent. Accordingly, the Post '763 patent does not qualify under 35 U.S.C. §102 as prior art with respect to the present application.

Since the Post '763 patent does not qualify as prior art to the present application, the Post '763 patent cannot be relied upon to reject the claims. Additionally, none of the other cited references teach or suggest the claimed invention for at least the reasons set forth by the prior Amendment dated July 31, 2006. As a result, it is submitted that the rejections are improper and, in any event, have been overcome.

Conclusion

In view of the remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application. It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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